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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,720	03/29/2004	N. Craig Brown	220/40789/Case 210	1652
279	7590	03/28/2006	EXAMINER	
TREXLER, BUSHNELL, GIANGIORGI, BLACKSTONE & MARR, LTD. 105 WEST ADAMS STREET SUITE 3600 CHICAGO, IL 60603			BEAMER, TEMICA M	
			ART UNIT	PAPER NUMBER
			2617	
DATE MAILED: 03/28/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/811,720	<b>Applicant(s)</b> BROWN, N. CRAIG	
	<b>Examiner</b> Temica M. Beamer	<b>Art Unit</b> 2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5,6,11,17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,6,11,17 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-3, 6, 11, 17 and 18 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 11, 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Kenagy et al (Kenagy), U.S. Patent No. 5,842,124.

Regarding claims 1 and 17, Kenagy discloses a radio receiver having a plurality of features programmable by a user to create a plurality of radio receiver operating configurations, said operating configurations being selectable by a user to determine which of said configurations will control the operation of the radio receiver at a given time (col. 3, lines 36-45), said radio receiver comprising a housing (figure 1); a memory (112) disposed within said housing (figure 2), said memory configured such that a plurality of radio receiver operating configurations are storable therein (col. 6, line 56- col. 7, line 34); a user interface (20) coupled to said memory (figure 2) for enabling a user to program said plurality of radio receiver operating configurations and store said

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configuration in said memory (col. 8, lines 48-63) and for enabling a user to select one of said radio receiver operating configurations to control the operation of said radio receiver at a plurality of given times (col. 9, lines 1-14, col. 11, lines 46-64).

Regarding claim 2, Kenagy discloses a radio receiver as defined in claim 1, wherein the radio receiver is configured such that a plurality of operating configurations are stored and managed within said radio receiver (col. 6, lines 38-55).

Regarding claim 3, Kenagy discloses a radio receiver as defined in claim 1, further comprising a microprocessor (108) disposed within said housing and in communication with said memory, and wherein said microprocessor is configured to manage said plurality of operating configurations (col. 8, lines 48-63; figure 2).

Regarding claim 5, Kenagy discloses a radio receiver as defined in claim 1, wherein said memory is non-volatile (col. 6, lines 56-64).

Regarding claim 11, Kenagy discloses a radio receiver as defined in claim 1, further comprising a working memory pointer, wherein said working memory pointer identifies the operating configuration in use by said radio receiver (col. 11, lines 54-61).

Regarding claim 18, Kenagy discloses a method as defined in claim 17, further including the step of operating the radio receiver to retrieve data relating to one of said operating configurations (col. 11, lines 54-61).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kenagy in view of Zicker et al (Zicker), U.S. Patent No. 6,134,435.

Regarding claim 6, Kenagy discloses a radio receiver as defined in claim 1 as described above. Kenagy, however, fails to disclose wherein said memory comprises an EEPROM.

In a similar field of endeavor, Zicker discloses a cellular radiotelephone system with remotely programmed mobile stations. Zicker further discloses wherein a programmable memory is an EEPROM (col. 6, line 59-col. 7, line 11).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Kenagy with the teachings of Zicker for the purpose of being able to carefully erase or alter the programmable memory.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shirai, U.S. Patent No. 6,018,656, discloses a programmable cellular telephone and system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Beamer whose telephone number is (571)

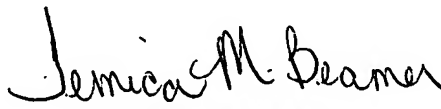
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272-7797. The examiner can normally be reached on Monday-Thursday (alternate Fridays) 7:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tmb

  
TEMICA BEAMER  
PRIMARY EXAMINER  
12/27/05